

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LOCKHEED MARTIN TRANSPORTATION  
SECURITY SOLUTIONS, AN OPERATING UNIT OF  
LOCKHEED MARTIN CORPORATION,

09 CV 4077 (PGG) (GWG)

Plaintiff,

ECF CASE

- against -

MTA CAPITAL CONSTRUCTION COMPANY and  
METROPOLITAN TRANSPORTATION AUTHORITY,

Defendants.

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TRAVELERS CASUALTY AND SURETY COMPANY  
OF AMERICA, FEDERAL INSURANCE COMPANY,  
and SAFECO INSURANCE COMPANY OF AMERICA,

09 CV 6033 (PGG) (GWG)

Plaintiffs,

- against -

METROPOLITAN TRANSPORTATION AUTHORITY,  
MTA CAPITAL CONSTRUCTION COMPANY, NEW  
YORK CITY TRANSIT AUTHORITY, and  
LOCKHEED MARTIN CORPORATION,

Defendants.

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**REPLY DECLARATION OF  
MATTHEW A. TAYLOR IN FURTHER SUPPORT OF  
LOCKHEED MARTIN'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Matthew A. Taylor, pursuant to 28 U.S.C. § 1746(2), declare as follows:

1. I am an attorney admitted to practice before this Court and am a partner of Duane Morris LLP, attorneys for Plaintiff Lockheed Martin Transportation Security Solutions, an Operating Unit of Lockheed Martin Corporation ("Lockheed Martin"). I submit this declaration in further support of Lockheed Martin's motion for an order in favor of Lockheed Martin

granting partial summary judgment against Defendants MTA Capital Construction Company and Metropolitan Transportation Authority (collectively “MTA”). I am fully familiar with the facts set forth herein.

2. The purpose of this declaration is to ensure that the documents cited herein and in Lockheed Martin’s reply memorandum of law in further support of its motion for partial summary judgment and Lockheed Martin’s responses to MTA’s proposed additional statement of undisputed facts are properly authenticated.

3. Attached as Ex. LM154 is a true copy of the report titled “Expert Rebuttal Report to the Report of Howard Reith,” dated November 29, 2012, prepared by Roger Nebel from Defense Group Inc.

4. Attached from the IESS project records as such were produced between the parties or third parties in this litigation (“Project Records”) as Ex. LM155 is a true copy of the Schedule Update LM36, dated May 4, 2009, produced as part of ProjectSolve at C-52038 – Design and Installation of an Integrated Electronic Security System & Security Operations (C3) Centers > 09 Schedules > LM36 Schedule Update >Final> LM36 Schedule Narrative. Project Solve is a file sharing website and database provided by MTA that the parties used during the IESS project to exchange documents and submittals, and which MTA Produced to Lockheed Martin in its electronic form.

5. Attached from the Project Records as Ex. LM156 is a true copy of a letter from Lockheed Martin to MTA, dated November 8, 2006 (LM-MTA-CN-2006-11-08-053).

6. Attached from the Project Records as Ex. LM157 is a true copy of an email from Donato Antonucci to Kenneth Shields, dated July 19, 2007, produced by Lockheed Martin,

Bates-stamped LM-E 109711 attaching Lockheed Martin's letter to MTA, dated July 19, 2007 (LM-MTA-CN-2007-07-19-290).

7. Attached from the Project Records as Ex. LM158 is a true copy of the Weekly Meeting Minutes, dated July 11, 2007, produced as part of Project Solve at C-52038 – Design and Installation of an Integrated Electronic Security System & Security Operations (C3) Centers >05 Meeting Minutes & Agendas > 7:30 AM Weekly Design Meeting > 2007 Weekly Meetings > Weekly MM 071107 MTA IESS C3 ppt.doc.

8. Attached from the Project Records as Ex. LM159 is a true copy of a letter from Lockheed Martin to MTA, dated April 24, 2008 (LM-MTA-CN-2008-04-24-899), attaching the materials presented at the April 23, 2008 MTA Executive Meeting.

9. Attached from the Project Records as Ex. LM160 is a true copy of an email from Terence Willis to Martin ChungMa, dated January 6, 2009, produced by Lockheed Martin, Bates-stamped LM-E 815610.

10. Attached from the Project Records as Ex. LM161 is a true copy of an email from Terence Willis to James Gaughan and others, dated January 30, 2009, produced by Lockheed Martin, Bates-stamped LM-E-744128.

11. Attached from the Project Records as Ex. LM162 is a true copy of an email from Terence Willis to James Gaughan and others, dated February 2, 2009, produced by Lockheed Martin, Bates-stamped LM-E-744206-08.

12. Attached from the Project Records as Ex. LM163 is a true copy of the Schedule Update LM34, dated March 5, 2009 produced as part of ProjectSolve at C-52038 – Design and Installation of an Integrated Electronic Security System & Security Operations (C3) Centers > 09 Schedules > LM34 Schedule Update >Final> LM34 Schedule Narrative.

13. Attached from the Project Records as Ex. LM164 is a true copy of the Schedule Update LM35, dated April 1, 2009, produced as part of ProjectSolve at C-52038 – Design and Installation of an Integrated Electronic Security System & Security Operations (C3) Centers > 09 Schedules > LM35 Schedule Update >Final> LM35 Schedule Narrative.

14. In support of Lockheed Martin's motion for partial summary judgment, excerpts from the transcripts of the following witnesses' deposition testimony have been attached to Volumes I through II of the Joint Relevant Deposition Excerpts appendix, which is submitted in support of Lockheed Martin's and MTA's motions for partial summary judgment:

- a) Peter Berl
- b) Carlaine Blizzard
- c) Mark Bonatucci
- d) John Breitbeil
- e) Frank Davies
- f) Louis DeStefano
- g) Terrence Fetters
- h) James Gaughan
- i) Stanley Grill
- j) Veronique Hakim
- k) John Halsema
- l) Wael Hibri
- m) Gary Himert
- n) Michael Horodniceanu
- o) Avery Huggins

- p) Craig Hughes (Expert)
- q) Craig Hughes (30(b)(6))
- r) Barbara Humpton
- s) John Hyland
- t) Velivor Ivanic
- u) Jeff Jacobi
- v) Waldemar Kaczynski
- w) William Krampf
- x) Bradley Lovitt
- y) Judith Marks
- z) Linda Martinez
- aa) Roger Nebel
- bb) Robert O'Brien
- cc) Ashok Patel
- dd) Ronald Pezik
- ee) Nino Pirraglia
- ff) Fred Robinson
- gg) Sean Ryan
- hh) Lisa Schreibman
- ii) Kenneth Shields
- jj) John Steinbock
- kk) Tammi Thomas
- ll) Philip Thurston

mm) Ken Turner

nn) Leonard Viviano

oo) Stephen Whittaker

pp) James Williamson

Dated: New York, New York  
October 9, 2013

/S/ Matthew A. Taylor  
Matthew A. Taylor (MT2914)